

**So Ordered.**



Frederick P. Corbit  
Frederick P. Corbit

**Frederick P. Corbit  
Bankruptcy Judge**

**Dated: February 14th, 2014**

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF WASHINGTON

In re: \_\_\_\_\_ | DC Case No. CV-11-363-RMP

LLS AMERICA, LLC, Case No. 09-06194-FPC11

Debtor.

BRUCE P. KRIEGMAN, solely in his capacity as court-appointed Chapter 11 Trustee for LLS America, LLC,

DC Case No. CV-11-363-RMP

Case No. 09-06194-FPC11

Adversary No. 11-80296-FPC11

REPORT AND RECOMMENDATION  
RE: DEFAULT JUDGMENT  
AGAINST DEFENDANT PAULA  
DONALD

267406 BC LTD. et al.

## Defendants.

The Honorable Frederick P. Corbit, sitting in the United States Bankruptcy

Court for the Eastern District of Washington, hereby files this Report and

## Recommendation regarding plaintiff's Motion for Entry of Default Judgment Against

Defendant Paula Donald (ECF No. 725) filed with the bankruptcy court in this

adversary proceeding.

1        This Report and Recommendation is made pursuant to the Honorable Rosanna  
2        Malouf Peterson's Order Granting Joinder and Withdraw of Reference and Referring  
3        Back to Bankruptcy Court for Further Proceedings entered on April 25, 2012 (ECF  
4        No. 32) in district court case number CV-11-363-RMP.

5        The recommendation is that plaintiff's Motion for Entry of Default Judgment  
6        Against Defendant Paula Donald (ECF No. 725) be granted and the attached Default  
7        Judgment be entered in this adversary proceeding. The basis for this recommendation  
8        is that an Order of Default Against Defendant Paula Donald was entered in the  
9        bankruptcy court on November 20, 2013 (ECF No. 686).

10        //END OF REPORT AND RECOMMENDATION//

Shelley N. Ripley, WSBA No. 28901  
Daniel J. Gibbons, WSBA No. 33036  
WITHERSPOON • KELLEY  
422 W. Riverside, Suite 1100  
Spokane, WA 99201  
Telephone: (509) 624-5265; Facsimile: (509) 458-2717  
Attorneys to Bruce P. Kriegman, Chapter 11 Trustee

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

In Re:	US District Case No. 13-CV-416-RMP
LLS AMERICA, LLC,	Bankruptcy No. 09-06194-FPC11
	Debtor.
BRUCE P. KRIEGMAN, solely in his capacity as court-appointed Chapter 11 Trustee for LLS America LLC,	Adversary No. 11-80296-FPC 11
Plaintiff,	DEFAULT JUDGMENT AGAINST DEFENDANT PAULA DONALD
v.	
267406 BC, LTD., et al.,	
	Defendants.

## JUDGMENT SUMMARY

1. Judgment Creditor: Bruce P. Kriegman, Liquidating Trustee for LLS America, LLC, as consolidated
2. Attorneys for Judgment Creditor: Witherspoon Kelley
3. Judgment Debtors: Paula Donald

## DEFAULT JUDGMENT- 1

{S0838211; 1 }

**Wk** WITHERSPOON•KELLEY  
Attorneys & Counselors

422 W. Riverside Avenue, Suite 1100      Phone: 509.624.5265  
Spokane, Washington 99201-0300      Fax: 509.458.2728

4. Attorneys for Judgment  
Debtors: Pro Se

5. Judgment Amount  
(Principal): \$ \$35,250.00 USD

6. Interest Rate on Judgment: .11% (28 USC § 1961)

This Court having previously entered an Order of Default against Defendant Paula Donald (Ct. Rec. 686), and having reviewed the previously filed Memorandum of Authorities (Ct. Rec. 682), and the Affidavits of Curtis Frye and Shelley Ripley in Support of Plaintiff's Motion for Default Judgment filed herewith, and being fully advised in the premises,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Plaintiff, Bruce P. Kriegman, solely in his capacity as court-appointed Chapter 11 Trustee for LLS America, LLC, shall have a judgment against the Defendant Paula Donald as follows:

1. Monetary Judgment in the amount of \$35,000.00 USD, pursuant to 11 U.S.C. § 550 and RCW 19.40.071;

2. Transfers in the amount of \$35,000.00 USD made to the Defendant within four years prior to the Petition Filing Date are hereby avoided and Plaintiff may take all necessary action to preserve the same, pursuant to 11 U.S.C. §§ 544, 550, 551 and 548(a) and (b) and RCW 19.40.041(1) and (2) and RCW 19.40.071;

3. All said transfers to Defendant Paula Donald are hereby set aside and Plaintiff shall be entitled to recover the same, or the value thereof, from

## DEFAULT JUDGMENT- 2

**Wk** WITHERSPOON•KELLEY  
Attorneys & Counselors

{S0838211; 1 }

422 W. Riverside Avenue, Suite 1100      Phone: 509.624.5265  
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1 Defendant Paula Donald for the benefit of the estate of LLS America, pursuant to  
2 11 U.S.C. §§ 544, 550 and 551;

3       4. All proofs of claim of the Defendant which have been filed or  
4 brought or which may hereafter be filed or brought by, on behalf of, or for the  
5 benefit of Defendant Paula Donald or her affiliated entities, against the Debtor's  
6 estate, in this bankruptcy or related bankruptcy proceedings, are hereby  
7 disallowed and subordinated to the monetary judgment granted herein and  
8 Defendant Paula Donald shall not be entitled to collect on her proof of claim  
9 (Claim No. 174) until the monetary judgment is satisfied by Defendant Paula  
10 Donald in full, pursuant to 11 U.S.C. §§ 502(d), 510(c)(1) and 105(a);  
11

12       5. A constructive trust is hereby established over the proceeds of all  
13 transfers in favor of the Trustee for the benefit of the estate of LLS America; and  
14

15       6. Plaintiff is hereby awarded costs (i.e. filing fee) in the amount of  
16 \$250.00 USD, for a total judgment of \$35,250.00 USD, which shall bear interest  
17 equal to the weekly average of one-year constant maturity (nominal) treasury  
18 yield as published by the Federal Reserve System.  
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2           WITHERSPOON · KELLEY

3           s/ Shelley N. Ripley

4           Shelley N. Ripley, WSBA No. 28901

5           Daniel J. Gibbons, WSBA No. 33036

6           Attorneys for Plaintiff

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